



David E. Gottlieb

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February 23, 2024

VIA ECF

The Honorable Katherine Polk Failla
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Li v. China Merchants Bank Co., LTD, et al.; Case No. 22-cv-9309 (KPF)

Dear Judge Failla,

We represent Plaintiff Hui (“Sherry”) Li and write pursuant to the Court’s Individual Rule of Practice 9(C) to respectfully request leave to file under seal certain documents included as exhibits to Plaintiff’s opposition to Defendants’ partial motion to dismiss. Specifically, Defendants have argued that the doctrine of *res judicata* creates claim preclusion as to certain of Plaintiff’s statutory retaliation claims due to an action Ms. Li previously filed in state court to enforce a settlement agreement, captioned as Li v. China Merchants Bank, No. 655394/2020 (Sup. Ct. N.Y. Cnty.) (“State Court Action”). In her opposition papers due to be filed today, Plaintiff will be including certain documents as exhibits (Exs. B, D, E, F, G, H, I, J) which were filed under seal in connection with the State Court Action. Those documents were filed under seal in that action due to the fact that the documents related to and contained references to a confidential settlement agreement. Attached hereto is a copy of the docket sheet from the State Court Action, reflecting that all documents in that matter were filed under seal. Defendants have stated that it is their desire that these documents be filed under seal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David E. Gottlieb", written over a light blue circular stamp.

David E. Gottlieb

Enc.

In accordance with the parties' confidential settlement agreement in the state court action, Plaintiffs' application to seal certain documents, Exs. B, D, E, F, G, H, I, J, is GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket number 66.

Dated: February 27, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE